

## AMENDMENTS

1989—Pub. L. 101-194 amended section generally, substituting pars. (1) to (8) for former pars. (1) to (5).

1985—Par. (3). Pub. L. 99-190 inserted “and with respect to fiscal year 1987” at end of first sentence.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 353, 356 of this title.

**§ 353. Executive Director; additional personnel; detail of personnel of other agencies**

(1) Without regard to the provisions of title 5 governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and on a temporary basis for periods covering all or part of any fiscal year referred to in subparagraphs (A) and (B) of section 352(8) of this title—

(A) the Commission is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of title 5; and

(B) with the approval of the Commission, the Executive Director is authorized to appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule in section 5332 of title 5) of such additional personnel as may be necessary to carry out the function of the Commission.

(2) Upon the request of the Commission, the head of any department, agency, or establishment of any branch of the Federal Government is authorized to detail, on a reimbursable basis, for periods covering all or part of any fiscal year referred to in subparagraphs (A) and (B) of section 352(8) of this title, any of the personnel of such department, agency, or establishment to assist the Commission in carrying out its function.

(Pub. L. 90-206, title II, § 225(c), Dec. 16, 1967, 81 Stat. 643; Pub. L. 101-194, title VII, § 701(c), Nov. 30, 1989, 103 Stat. 1764.)

## REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in par. (1), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

## AMENDMENTS

1989—Pub. L. 101-194 substituted “subparagraphs (A) and (B) of section 352(8) of this title” for “section 352(2) and (3) of this title” in pars. (1) and (2).

## REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 352 of this title.

**§ 354. Use of United States mails**

The Commission may use the United States mails in the same manner and upon the same

conditions as other departments and agencies of the United States.

(Pub. L. 90-206, title II, § 225(d), Dec. 16, 1967, 81 Stat. 643.)

**§ 355. Administrative support services**

The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis.

(Pub. L. 90-206, title II, § 225(e), Dec. 16, 1967, 81 Stat. 643.)

**§ 356. Functions**

The Commission shall conduct, in each of the respective fiscal years referred to in subparagraphs (A) and (B) of section 352(8) of this title, a review of the rates of pay of—

(A) the Vice President of the United States, Senators, Members of the House of Representatives, the Resident Commissioner from Puerto Rico, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives;

(B) offices and positions in the legislative branch referred to in subsections (a), (b), (c), and (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88-426);

(C) justices, judges, and other personnel in the judicial branch referred to in section 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88-426) except bankruptcy judges, but including the judges of the United States Court of Federal Claims;

(D) offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5; and

(E) the Governors of the Board of Governors of the United States Postal Service appointed under section 202 of title 39.

Such review by the Commission shall be made for the purpose of determining and providing—

(i) the appropriate pay levels and relationships between and among the respective offices and positions covered by such review, and

(ii) the appropriate pay relationships between such offices and positions and the offices and positions subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and General Schedule pay rates.

In reviewing the rates of pay of the offices or positions referred to in subparagraph (D) of this section, the Commission shall determine and consider the appropriateness of the executive levels of such offices and positions.

(Pub. L. 90-206, title II, § 225(f), Dec. 16, 1967, 81 Stat. 643; Pub. L. 91-375, § 6(a), Aug. 12, 1970, 84 Stat. 775; Pub. L. 94-82, title II, § 206(a), Aug. 9, 1975, 89 Stat. 423; Pub. L. 95-598, title III, § 301, Nov. 6, 1978, 92 Stat. 2673; Pub. L. 97-164, title I, § 143, Apr. 2, 1982, 96 Stat. 45; Pub. L. 99-190, § 135(b), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 100-202, § 101(a) [title IV, § 408(c)], Dec. 22, 1987, 101 Stat. 1329, 1329-27; Pub. L. 101-194, title VII, § 701(d), Nov. 30, 1989, 103 Stat. 1764; Pub. L.

102–572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

#### REFERENCES IN TEXT

The rates of pay of the offices and positions in the legislative branch, referred to in par. (B), are set out in section 136a–2 of this title; sections 703(f) and 731(c) of Title 31, Money and Finance; sections 162a and 166b–3a of Title 40, Public Buildings, Property, and Works; and section 303 of Title 44, Public Printing and Documents.

The rates of pay of justices, judges, and other personnel in the judicial branch, referred to in par. (C), are set out in section 867 of Title 10, Armed Forces; section 7443 of Title 26, Internal Revenue Code; and sections 5, 44, 135, 173, 213, 252, 603, and 792 of Title 28, Judiciary and Judicial Procedure.

#### AMENDMENTS

1992—Par. (C). Pub. L. 102–572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1989—Pub. L. 101–194 substituted “subparagraphs (A) and (B) of section 352(8) of this title” for “section 352(2) and (3) of this title”.

1987—Par. (C). Pub. L. 100–202 substituted “except bankruptcy judges, but including” for “and magistrates and”.

1985—Pub. L. 99–190 inserted last sentence relating to review of rates of pay of offices or positions.

1982—Par. (C). Pub. L. 97–164 inserted reference to judges of the United States Claims Court.

1978—Par. (C). Pub. L. 95–598 struck out reference to section 402(d) and inserted reference to magistrates.

1975—Par. (A). Pub. L. 94–82 inserted “the Vice President of the United States” before “Senators”, and “the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives” after “Puerto Rico”.

1970—Par. (E). Pub. L. 91–375 added par. (E).

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

#### EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100–202 effective Oct. 1, 1988, and any salary affected by the amendment to be adjusted at beginning of first applicable pay period commencing on or after such date, see section 101(a) [title IV, §408(d)] of Pub. L. 100–202, set out as a note under section 153 of Title 28, Judiciary and Judicial Procedure.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–164 effective Oct. 1, 1982, see section 402 of Pub. L. 97–164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95–598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

#### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

#### EFFECTIVE RATES OF PAY PENDING CHANGES IN RATES PURSUANT TO FEDERAL SALARY ACT OF 1967

Section 206(b) of Pub. L. 94–82 provided that: “Until such time as a change in the rate of pay of the offices

referred to in the amendment made by subsection (a) of this section [amending par. (A) of this section] occurs under the provisions of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as amended by subsection (a) of this section, such rates of pay shall be the rates of pay in effect immediately prior to the date of enactment of this Act [Aug. 9, 1975], as adjusted under sections 203 and 204 of this title [amending sections 31, 60a note, 136a and 136a–1 of this title, section 104 of Title 3, The President, sections 42a and 51a of former Title 31, Money and Finance, sections 162a and 166b of Title 40, Public Buildings, Property, and Works, and section 303 of Title 44, Public Printing and Documents].”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60a–2a, 357, 358, 362, 363, 364 of this title.

#### § 356a. Omitted

#### CODIFICATION

Section, Pub. L. 94–440, title II, §100, Oct. 1, 1976, 90 Stat. 1446, the Legislative Branch Appropriation Act, 1977, which provided salary rate limitations for positions or offices referred to in section 356 of this title, applied to fiscal year 1977 and was not repeated in subsequent appropriation acts. See decision B–145492 of the Comptroller General of the United States, dated Sept. 21, 1976. Pub. L. 94–440, title II, §100, is set out as a note under section 5318 of Title 5, Government Organization and Employees.

#### § 357. Report by Commission to President with respect to pay

The Commission shall submit to the President a report of the results of each review conducted by the Commission with respect to rates of pay for the offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 356 of this title, together with its recommendations. Each such report shall be submitted on such date as the President may designate but not later than December 15 next following the close of the fiscal year in which the review is conducted by the Commission.

(Pub. L. 90–206, title II, §225(g), Dec. 16, 1967, 81 Stat. 644; Pub. L. 99–190, §135(c), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 101–194, title VII, §701(e), Nov. 30, 1989, 103 Stat. 1764.)

#### AMENDMENTS

1989—Pub. L. 101–194 amended section catchline generally and in text substituted “Commission with respect to rates of pay for” for “Commission of” and “December 15 next following the close of the fiscal year in which the review is conducted by the Commission.” for “December 15 of the fiscal year in which the review is conducted by the Commission.”

1985—Pub. L. 99–190 substituted “December 15” for “January 1 next following the close”.

#### 1985 FISCAL YEAR RECOMMENDATIONS ON PAY RATES OF OFFICES AND POSITIONS

Section 135(g) of Pub. L. 99–190 provided that: “Notwithstanding section 225(g) of such Act (2 U.S.C. 357), the Commission on Executive, Legislative, and Judicial Salaries shall not make recommendations on the rates of pay of offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 225(f) of such Act (2 U.S.C. 356) in connection with the review of rates of pay of such offices and positions conducted by the Commission in fiscal year 1985.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 352, 358, 362, 363 of this title.